

19983

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Transportation		CONTACT PERSON Ray Goodman	TELEPHONE NUMBER 601-359-7101	
ADDRESS P.O. Box 1850		CITY Jackson	STATE MS	ZIP 39215
EMAIL rgoodman@mdot.ms.gov	SUBMIT DATE 8-20-13	Name or number of rule(s): 37.I.7501.09002		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This rule revision makes pragmatic clarifications to definitions and reduces enforcement measures.

Specific legal authority authorizing the promulgation of rule: Section 5 65-1-8 (2)(c), et. seq. of the Mississippi Code of 1972
Annotated as amended

List all rules repealed, amended, or suspended by the proposed rule: 37.I.7501.09002

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Lisa Hancock, Deputy Executive Director

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by		Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Department of Transportation	CONTACT PERSON Ray Goodman	TELEPHONE NUMBER 601-359-7101	
ADDRESS P.O. Box 1850	CITY Jackson	STATE MS	ZIP 39215
EMAIL rgoodman@mdot.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Control of Outdoor Advertising Adjacent to State Controlled Routes		
Specific Legal Authority Authorizing the promulgation of Rule: Section § 65-1-8 (2)(c). et. seq. of the Mississippi Code of 1972 Annotated as amended		Reference to Rules repealed, amended or suspended by the Proposed Rule: 37.1.7501.09002	

A. Estimated Costs and Benefits

1. **Briefly summarize the benefits that may result from this regulation and who will benefit:** This rule revision makes pragmatic clarifications to definitions and reduces enforcement measures.
2. Briefly describe the need for the proposed rule: Interpretations of regulation verbiage needed clarification and industry hardship needed alleviation.
3. **Briefly describe the effect the proposed action will have on the public health, safety, and welfare:** It would have a theoretical benefit to welfare as highway beautification would be enhanced.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation:

b. Projected costs for small businesses to comply:

c. Statement of probable effect on impacted small businesses:

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☒ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☒ moderately more than
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no

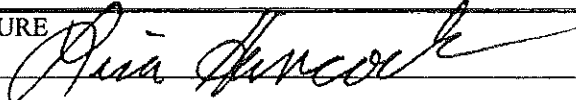
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
Elimination of the requirement for a survey plat provides an average cost benefit of \$400-\$800 per sign.

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Elimination of the requirement for a survey plat provides an average cost benefit of \$400-\$800 per sign.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Interested parties may submit written comments on the rule to the contact above.

SIGNATURE		TITLE	Deputy Executive Director
DATE	8-20-13	PROPOSED EFFECTIVE DATE OF RULE	30 days after filing